

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on December 1, 2004, the Examiner rejected Claims 1 and 9 under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. The Examiner also rejected claims 1, 4-12, 24 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Mumford, Lou, “*Benefits of noni juice may be imagined; \$30 price tag isn’t: MUM’S THE WORD*,” SOUTH BEND TRIBUNE C1 (Feb. 20, 1998) (“Mumford”) in view of Brock, Thomas D. et al, BIOLOGY OF MICROORGANISM 334 (6th ed. 1991)(“Brock”), in view of Gagnon, Daniel J, LIQUID HERBAL DROPS IN EVERYDAY USE 22, 27 (3d. ed. 1997) (“Gagnon”), and further in view of Associated Press, *Another Study Indicates Soy Protein May Help Treat hot Flashes*, BUFFALO NEWS (Nov. 1996)(“Buffalo News”). Accordingly, Applicant respectfully provides the following.

1. Claim Rejections under 35 U.S.C. § 112, First Paragraph.

Claims 1 and 9 have been amended to delete the specific recitation of three ounces, which has been replaced with the language “more than one ounce,” which finds adequate support in the specification as originally filled. In light of the foregoing, Applicant respectfully submits that the rejected claims do not constitute new matter and accordingly requests withdrawal of the Examiner’s rejections of claims 1 and 9 under Section 112.

2. Claim Rejections under 35 U.S.C. § 103(a).

For the reasons set forth below, Applicant submits that the prior art fails both to teach or suggest all the claim limitations, and to clearly and particularly suggest the combination indicated by the Examiner. Thus, Applicant’s claims are not obvious in view of the prior art references.

The prior art references cited by the Examiner alone or in combination with each other do not teach or suggest all the claim limitations of the present invention. Claim 1 and claim 9 include limitations for consuming a supplement comprising: (1) *Morinda citrifolia* juice, (2) processed *Morinda citrifolia* pulp, and (3) a second juice. None of the cited references, alone or in combination with other cited references, discloses or suggests consumption of a *Morinda citrifolia*-containing supplement to inhibit, prevent and reverse lipid peroxidation. Second, none of the cited references, alone or in combination with other cited references, discloses or suggests combining the *Morinda citrifolia* juice with processed *Morinda citrifolia* pulp. Third, none of the cited references, alone or in combination with other cited references, discloses or suggests combining *Morinda citrifolia* fruit juice and at least one second juice from a group consisting of fruit juice and vegetable juice. Consequently, the present invention is not obvious in view of such references because none of the prior art cited, alone or in combination with each other, teach or suggest all of the claim limitations of the present invention.

First, no cited reference alone or in combination with other cited references discloses or suggests the consumption of *Morinda citrifolia* containing a supplement to inhibit, prevent and reverse lipid peroxidation. Mumford discloses consuming *Morinda citrifolia* fruit juice to treat migraine headaches, increase energy levels and inhibit susceptibility to the common cold. Mumford also discloses topically applying *Morinda citrifolia* leaves to reduce pain. (See Mumford, p. 1-2). Mumford neither discloses nor suggests consuming *Morinda citrifolia* fruit juice to inhibit, prevent or reverse lipid peroxidation.

Second, no cited reference teaches administering *Morinda citrifolia* juice in combination with processed *Morinda citrifolia* pulp. In fact, the office action mailed May 20, 2003 indicated that Mumford taught the administration of juice alone, “[i]t is further deemed that because the

article recited ‘juice’ that the juice was 100% *M. citrifolia* juice.” Accordingly, Mumford teaches away from combining *Morinda citrifolia* juice with either the pulp or a second juice.

Third, no cited reference discloses or suggests the consumption of a supplement containing *Morinda citrifolia* juice and at least one second juice from the group consisting of fruit juice and vegetable juice. Buffalo News does not teach combining *Morinda citrifolia* juice with a second juice. Further, Buffalo News does not teach combining soy protein power with orange juice because it tastes terrible. Rather Buffalo News teaches mixing a dried powder with a liquid (e.g., orange juice or cereal milk) so the dried powder could be ingested. Mumford does not teach combining *Morinda citrifolia* juice with a second juice. Rather Mumford suggests that drinking *Morinda citrifolia* juice is a bad idea because it is overpriced and tastes bad. Further, as indicated above Mumford teaches consuming juice that is 100% *M. citrifolia* juice. Consequently, Mumford teaches away from consuming *Morindia citrifolia* juice in combination with a second juice

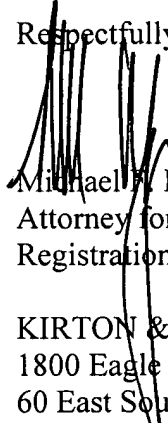
As the cited references fail to disclose or suggest all of the claim limitations of independent claims of the present invention, and further fail to suggest modifying the reference as suggested by the Examiner, the present invention is not obvious in view of such references. As claims 4-12, 24 and 26 depend from otherwise allowable subject matter, such claims are also not obvious in view of the cited references. Accordingly, Applicant respectfully requests withdrawal of the rejections of claims 1, 4-12, 24 and 26 under Section 103.

CONCLUSION

If any impediments to the allowance of this application for patent remain after the above amendments and remarks are entered, the Examiner is invited to initiate a telephone conference with the undersigned attorney of record.

DATED this 25 day of February, 2005.

Respectfully submitted,


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